

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

OSCAR BANEGAS,

Plaintiff,

v.

WASHINGTON MUTUAL BANK, F.A., et
al,

Defendants.

Case No.: C 12-3807 PSG

**ORDER THAT CASE BE REASSIGNED
WITH RECOMMENDATION THAT
THE CASE BE DISMISSED**

After Plaintiff Oscar Banegas ("Plaintiff") failed to appear for a case management conferences on September 25, 2012 and October 16, 2012, this court ordered Plaintiff to show cause in writing by November 16, 2012 why the case should not be dismissed for failure to prosecute.¹ The docket reflects that Plaintiff has taken no further steps in this case, and the deadline to show cause has long since passed.

Accordingly, the court hereby ORDERS that this case be reassigned to a District Judge² with the recommendation that Plaintiff's complaint be dismissed for failure to prosecute.

¹ See Docket No. 6.

² This court is ordering reassignment to a District Judge because, absent consent of all parties, a Magistrate Judge does not have the authority to make case-dispositive rulings. See, e.g., *Tripati v. Rison*, 847 F.2d 548, 548-49 (9th Cir. 1988).

1 Dated: January 28, 2013

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3 PAUL S. GREWAL
4 United States Magistrate Judge
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